

A
B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Afford facilities for the establishment and development of A.D. 1897.
Industries in Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1. Where, for the purpose of establishing or developing any industry in Ireland, the promoters of such industry propose to take, impound, use, or acquire any water or water rights, or any land in connexion therewith, they may apply in the prescribed manner to the Local Government Board for an order under this Act. On any
10 such application being made, the Local Government Board may either dismiss the application or direct a local inquiry to be held, at the cost of the promoters, with reference thereto.

Procedure for acquisition of rights for promotion of industries.

2.—(1.) If, upon such inquiry being held, the Local Government Board are satisfied—

Conditions on which rights may be granted.

- 15 (a) that such water is intended to be used for producing electricity, and that its employment for such purpose would not injure the water-power then used for any existing mill, or the water supply of any city, town, district, or locality ;
20 (b) that the proposed industry is not of a nature to cause pollution to any stream or river ;
(c) that any land to be taken is principally barren, uncultivated, or mountainous ;
(d) that no fishery of any substantial value would be injured by the undertaking ;
25 (e) and that the establishment of such industry would be of general or local advantage,

the Local Government Board may make an order giving a provisional approval to the application, and such provisional order shall be published in the prescribed manner.

[Bill 222.]

A

A.D. 1897.

(2.) Where the evidence given at the local inquiry shows that the proposed undertaking would not fulfil all of the foregoing conditions, but the Local Government Board are of opinion, having regard to the nature of the undertaking, that any of them may be dispensed with without substantial public or private injury, the Local Government Board may, if they think fit, in like manner make a provisional order.

Objections
to be heard
by Lord
Lieutenant
in Council.

3. An objection to the provisional order may be lodged within the time and in the manner provided by the Lord Lieutenant in Council, by any person affected thereby, whereupon the application shall be set down for hearing before the Lord Lieutenant in Council. If no such objection is lodged, or, having been lodged, is withdrawn, the provisional order shall, after the lapse of the prescribed time, become absolute and have effect.

Confirmation,
disallowance,
or amend-
ment of
Order.

4. On the hearing of any objection, it shall be lawful for the Lord Lieutenant by Order in Council, after giving the promoters and any objector an opportunity for being heard, to confirm or to disallow the provisional order, or to confirm same with such amendments or modifications as may be set out in the Order in Council.

Incorporation
of Acts.

5.—(1.) An order under this Act may contain provisions consistent with this Act for the incorporation, with the necessary modifications, and subject to such exceptions and variations as may be mentioned in the order of any of the provisions of the Lands Clauses Acts, and of the provisions contained in the Second Schedule of the Housing of the Working Classes Act, 1890, and of the provisions of the Waterworks Clauses Acts, 1863, with reference to security of reservoirs: Provided that nothing in this section shall authorise any variation of the provisions of the Lands Clauses Acts, as amended by the provisions contained in the Second Schedule of the Housing of the Working Classes Act, 1890, with respect to the purchase and taking of land otherwise than by agreement.

53 & 54 Vict.
c. 70.
26 & 27 Vict.
c. 93.

53 & 54 Vict.
c. 70.

(2.) The word "land" shall in this Act, and in the Lands Clauses Acts, for the purposes of this Act, include water and water rights, and the right to take, use, impound, or convey water or water rights.

Provision
for supple-
mental
Orders.

6. Where an Order has been confirmed or become absolute under this Act the Promoters may apply to the Local Government Board, in the prescribed manner, for an Order conferring on them all or any of the powers of this Act which might have been but

were not conferred on them by the original Order, and the Local Government Board shall have power, subject to any terms and conditions they may think just, to make an Order accordingly, and the provisions of this Act with reference to the hearing of objections shall apply in the case of such Orders in like manner as they apply in the case of original Orders.

A.D. 1897.

Powers of promoters as to pipes, wires, &c.

7. Any such order may empower the promoters, subject to such conditions as may be provided therein, to lay pipes under, over, or through any land or road, or to divert any mountain road or way, or to strengthen, alter, or reconstruct any bridge, provided such diversion, strengthening, alteration, or re-construction would not cause serious inconvenience to the public, and an equivalent road or way is provided by the promoters at their expense. If it is necessary for the purposes of the undertaking that the promoters should have power to conduct or transmit electricity from place to place the order may incorporate such provisions of the Electric Lighting Acts, 1882 and 1888, conferring powers for such of the like purposes, and with such modifications or variations, and subject to such conditions (including conditions for the protection of telegraphs) as may seem necessary or desirable, and the said provisions of the said Acts shall in such case apply accordingly, and if modified or varied by the order shall have effect as if enacted with such variations or modifications.

8. No order under this Act shall be made unless the prescribed sum has been lodged or secured within the time and in the manner prescribed, to defray the costs and expenses of the Local Government Board and of successful objectors, and to render any works constructed in pursuance of this Act innocuous in the event of the undertaking being abandoned or the promoters becoming bankrupt or (if a company) being wound up, and such sum may be disbursed or released in such manner as may be prescribed.

Security for costs.

9. An order made under this Act may make provision for the costs of any person interested in the application appearing before any local inquiry or before the Lord Lieutenant in Council, and if deemed just, for the payment of the same or any portion thereof by the promoters, and where the Lord Lieutenant refuses to confirm a provisional order, an order may, if deemed just, be made for the payment of any such costs as aforesaid by the promoters.

Orders as to costs of inquiry, &c.

10.—(1.) The Local Government Board may make such general rules as may seem fit for the effectual execution of this Act and the regulation of the procedure thereunder (other than the

Rules made.

A.D. 1897. procedure with respect to the hearing of objections to Provisional Orders), and such regulations shall make provision as to the notices to be served and the advertisements to be published and plans to be lodged preliminary to an application under the Act, and for the security to be given by the promoters before the order is issued 5 and the manner in which such security is to be given, and for the allowance, taxation, and payment of any costs, charges, or expenses payable in respect of applications to the Local Government Board under this Act.

(2.) The Lord Lieutenant in Council may make such general 10 rules as may seem fit for regulating the procedure with respect to the hearing of objections to provisional orders under this Act, and for fixing the amount of any fees, and the taxation and payment of any costs, charges, or expenses payable in respect of the confirmation of provisional orders under this Act.

(3.) All rules under this section shall be laid before Parliament. 15

Powers of
inspectors.

11. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed under this Act, have, in relation to witnesses and their examination the production of papers and accounts and the inspection of places and matters required to be 20 inspected, similar powers to those conferred upon poor law inspectors by the Poor Relief (Ireland) Acts, 1838 to 1892.

Provision
in case of
failure
to complete
works or
abandon-
ment of
undertaking.

12.—(1.) If within three years after any provisional order under this Act has become absolute or been confirmed, as the case may be, the promoters have failed to make arrangements for the construction 25 of the works requisite for the undertaking, any land acquired by them in pursuance of this Act shall be restored to a condition at least as suitable for agricultural or grazing purposes as it was when it was originally taken possession of, and in case the person from whom the same was acquired, his heirs or assigns, within one 30 month after the prescribed notice so require, and if the Local Government, on application made to them, so order, shall be reconveyed or revert to him or them upon payment of the price paid for the same by the promoters.

(2.) If at any time after any of the works requisite for the 35 undertaking have been constructed the undertaking is abandoned, or the promoters have become bankrupt, or (if a company) have been wound up, the Local Government Board may, if they think fit, order that the foregoing provisions of this section shall apply, with the modification that the land shall be reconveyed in a 40 condition at least as innocuous, in their opinion, as it was when it was originally taken possession of in pursuance of this Act:

Provided that in the case of bankruptcy or liquidation the order shall not be made without the consent of the judge before whom the proceedings are being taken.

A.D. 1897.

—

(3.) If after one month's notice the promoters fail to execute such works as may be necessary for the purposes of this section, the same shall be executed by such person as the Local Government Board may appoint, and any costs and expenses thereby incurred shall be defrayed out of the moneys lodged or secured under the foregoing provisions of this Act.

- 10 13. In this Act, unless the context otherwise requires:—

The expression "electricity" includes electric current, electric power or energy, or any like agency.

The expression "the Local Government Board" means the Local Government Board for Ireland; and

- 15 The expression "prescribed" means prescribed by rules made under this Act by the Local Government Board.

14. This Act shall apply to Ireland only, and may be cited as the Industries (Ireland) Act, 1897.

Definitions.

Application
and short
title.

A
B I L L

[AS AMENDED BY THE SELECT
COMMITTEE]

To afford facilities for the establishment
and development of Industries in
Ireland.

(Proposed and brought in by
Mr. F. M. Stoney, Mr. Patrick Stephen O'Shaugh,
Mr. Lough, and Mr. Keary)

Ordered, by The House of Commons, to be Printed,
7 May 1887

PRINTED BY STONE AND SON, STATIONERS,
CHANCERY LANE, LONDON: AND BY
JAMES WATSON & CO., PRINTERS, 15, SOUTH-BROOK STREET,
LONDON, W. (Opposite the Theatre Royal, Drury Lane, W.C.)
AND BY JAMES WATSON & CO., PRINTERS, 15, SOUTH-BROOK STREET,
LONDON, W. (Opposite the Theatre Royal, Drury Lane, W.C.)
[Price 1d.]

[Bills 225.]